

**INDEX AND
SUMMARY OF THE
CLASSIFICATION AND SALARY PLAN BY-LAW
AS ADOPTED UNDER ARTICLE 32
OF THE ANNUAL TOWN MEETING ON
JUNE 16, 1997**

(official text is attached)

Section 1. **PURPOSE AND POLICIES**--Applies to all non-exempt officials. May not supersede Civil Service, the Town Charter, bargaining agreements, State or Federal Law where they conflict.

Section 2. **RESPONSIBILITY FOR ADMINISTRATION**--Assignment of duties and responsibilities. The Personnel Board, ~~Executive Secretary~~ Town Manager, Board of Selectmen, Department Heads, and employees all have responsibilities as outlined in this section.

Section 3. **DEFINITIONS**--Key terms are defined in this section.

Section 4. **CLASSIFICATION SYSTEM**--This section describes how job duties, responsibilities, and qualifications are established for various positions.

Section 5. **COMPENSATION SYSTEM**--This section describes how the pay plan is administered including but not limited to pay increases, hours, and overtime.

Section 6. **RECRUITMENT, SELECTION, AND APPOINTMENT OF EMPLOYEES**-- This section describes how jobs are filled when a vacancy exists and *the* what requirements are necessary to hire and pay a new employee.

Section 7. **TRAINING AND EDUCATION**--Describes provisions for in-service training.

Section 8. **PERFORMANCE EVALUATION**--Authorizes the establishment of a procedure to evaluate employee performance.

Section 9. **DISCIPLINARY ACTIONS**--Outlines the authority of department heads and supervisors to discipline employees and the appeal rights of employees.

Section 10. **GENERAL POLICY-LEAVE**--Describes rights and responsibilities in connection with holidays, vacations, sick leave, as well as other leave provisions.

Section 11.1 **MILEAGE REIMBURSEMENT**--85% of IRS allowed deduction. For those employees covered by this by-law, it would be equal to \$0.26 per mile. (.85 x \$0.31) *(as of 6/30/11 – 55.5 cents per mile)*

Section 11.2 **TRANSITIONAL PROVISION**--This by-law provides the benchmark for benefits governing any future agreements or amendments thereto with non-exempt

officials. New employees will not be eligible for benefits exceeding those provided for in this by-law.

TOWN OF ABINGTON
CLASSIFICATION AND
SALARY PLAN

SECTION I. GENERAL

NAME OF BY-LAW AND
AUTHORITY

This By-Law shall be known and cited as "The Classification and Salary Plan," and is hereby adopted pursuant to the provisions of General Laws, Chapter 41, Section 108-A, 108-C, and amendments thereof.

PERSONNEL ADMINISTRATION

SECTION 1. PURPOSE AND POLICIES

1-1. PURPOSE- It is the purpose of this by-law to provide guidance to Department Heads and Commissions, supervisory personnel, and employees about the policies and procedures for assuring maintenance of an equitable personnel management system in the Town of Abington. The policies and procedures for personnel administration set forth herein have, as their purpose, to promote the efficiency and economy of government; to promote the morale and well-being of Town employees; and to promote equal employment opportunity for all candidates.

The policies described herein are not necessarily the conditions of employment of town employees nor do they constitute or imply a contract of employment and should not be taken as an agreement for continued employment. The town reserves the right to ~~to~~ modify, revoke, suspend or change any and all policies and procedures, in whole or in part at any time without conferring with those affected.

1-2. POLICY- The personnel policies of the Town are based on the following principles:

- a) recruiting, selecting, and advancing employees on the basis of their relative abilities, knowledge, and skills;
- b) providing equitable and adequate compensation;
- c) training employees as needed to assure high-quality performance and to promote career development
- d) classifying and identifying positions that are similar in respect to other duties and responsibilities;
- e) retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- f) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, sexual orientation, religious creed, handicap, or any other non-merit factor, except where such

factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens; prohibiting discrimination against any person on the basis of such non-merit factors;

g) providing appropriate rules and regulations for personnel practices.

1-3. EQUAL EMPLOYMENT OPPORTUNITY -- Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, sexual orientation, handicap, or other non-merit factor is prohibited except where such factor is a bona fide occupational requirement.

1-4.. APPLICABILITY OF THESE POLICIES -- The personnel policies contained in this By-Law shall apply to all officers and employees, except exempt officials, as defined in Section 3 of this By-Law. The policies are not intended to be all-inclusive. ~~The Personnel Board shall administer the Plan,~~ "The Town Manager shall administer the Plan" establishing only such policies, procedures, and regulations, as may be consistent with its administration. Final discretion as to interpretation and as to the appropriate course of action concerning a personnel matter shall rest with the ~~Board of Selectmen upon recommendation of the Executive Secretary~~ Town Manager..

1-5. FEDERAL LAWS - - Nothing contained in this by-law shall be construed to conflict with any law enacted by the Federal Government. To the extent that any apparent conflict exists, it shall be determined in favor of the higher Federal Law.

1-6. STATE CIVIL SERVICE LAW AND RULES -- Nothing contained in these personnel policies shall be construed to conflict with Massachusetts General Law, Chapter 31, where civil service applies.

1-7. OTHER STATE STATUTES

a) Nothing in this by-law shall be construed to conflict with any special law enacted for the Town of Abington or any permissive statute accepted by the Town of Abington nor any provision of State Law. To the extent that any apparent conflict exists, it shall be determined in favor of the higher State Statute or provision of State Law.

b) In the event that a specific provision of this By-Law should conflict with a provision of a collective bargaining agreement, adopted in conformance with MGL Chapter 150E, or an individual contract of employment authorized by state law, provision of the particular collective bargaining agreement or individual contract shall prevail.

c) Nothing in this by-law shall be construed to conflict with any provision of the Home Rule Charter of the Town of Abington. To the extent that any apparent conflict exists, it shall be determined in favor of the Charter.

SECTION 2. RESPONSIBILITY FOR ADMINISTRATION

2-1. ~~EXECUTIVE SECRETARY TOWN MANAGER~~ -- The Town Manager ~~Executive Secretary~~ shall ~~act function~~ as the Chief Administrative Officer ~~representative~~ of the

Town in accordance with Article 4-3 of the Town Charter, ~~Board of Selectmen~~ and will impartially and equitably oversee all personnel activities of Town Government. He/She may delegate to another or others personnel functions entailed in performing his/her duties, but shall retain responsibility for all such delegated acts.

The TOWN
MANAGER~~The Executive~~
~~Secretary~~ shall:

- a) prepare and recommend to the Personnel Board and the Board of Selectmen for their approval, a personnel plan and revisions thereto and direct the continuous administration of said plan;
- b) review for budgetary purposes the annual salaries and associated costs;
- c) direct the recruitment, testing, selection, and hiring of employees;
- d) enforce policies and procedures for personnel administration;
- e) supervise, develop, and maintain personnel systems, forms, procedures, and methods of record-keeping;
- f) maintain written descriptions of all jobs/positions and roster of all employees in the Town service;
- g) certify in writing appointments, promotions, demotions, discipline, and other actions
- h) direct employee orientation, training, counseling, and career development in conjunction with Department Heads;
- i) administer these personnel policies, including the handling of grievances;
- j) perform other lawful acts which are considered necessary or desirable to carry out the purpose of the central personnel system and the provisions of these personnel policies;
- k) review performance evaluation completed by Department Heads;
- l) ensure that all employees certify in writing that they have received this By-Law and all other labor contracts, policies, procedures, and rules which affect them.

2-2.. DEPARTMENT HEADS - Department Heads shall have responsibility to supervise effectively their employees; to report in an approved manner upon the efficiency and performance of their subordinates; to notify the Town Manager~~Executive Secretary~~ and Personnel Board of changes in duties of their employees in order that the classification plan will be maintained; and to recommend salary increases. Department Heads shall recommend to the ~~Personnel Board~~ Personnel Board as necessary, desirable changes in the personnel policies and procedures to improve a dministration of the personnel system. Copies of department rules must be made available in the office of the Department Head for use by the employees. Such rules must be on file in the Office of the Town Manager~~Board of Selectmen~~ before they become effective and must be consistent with these personnel policies and procedures. For the purposes of this By-Law it is understood that, in most instances, the Department Head may be the only supervisor in a department and all references to "supervisor" shall apply.

2-3. EMPLOYEES- It shall be the responsibilities of all employees to acquaint themselves thoroughly with the material in these personnel policies and subsequent revision. Employees are also encouraged to submit suggestions for changes and improvements in personnel policies and procedures for improvement of the personnel administration.

2-4. PERSONNEL BOARD - ~~The Personnel Board shall consist of five people appointed by the Moderator for three year staggered terms. The Personnel Board shall serve without compensation and be responsible for the administration and maintenance of the Classification and Salary Plan.~~ The Personnel Board shall consist of three people, one to be appointed by the Town Manager for Three Year Staggered Term, one to be appointed by the Board of Selectmen for Three Year Staggered term, and one to be appointed jointly by the Board of Selectmen and the Town Manager for a Three Year Staggered term. The Town Manager shall serve as a member of the Board in a non-voting capacity and shall serve as ex-officio Chairman. On the effective date of this By-Law, the initial appointment by the Board of Selectmen will be for one year and the initial appointment by the Town Manager shall be for Two years and Jointly appointed position shall be for three years. The Personnel Board shall advise the Town Manager as to the Classification and Salary Plan, however, the Town Manager shall administer the Classification and Salary Plan.

SECTION 1. DEFINITIONS

ALLOCATION - The assignment of an individual position to an appropriate class on the basis of kind of work, duties, and the responsibilities of the position.

APPOINTING AUTHORITY - The person(s) who have the authority, by statute, Town Charter, or By- Law to appoint and remove employees within the procedures established by the Town Charter.

APPOINTMENT - The placement of a person in a position.

BENEFITS - Those benefits allowed an employee whose normal work week is 20 hours or more or whose average work week is 20 hours or more.

CLASS - A position or group of positions which are sufficiently similar with respect to duties, responsibilities, and authority that they may properly be designated by the same title and equitably compensated from the same pay range under substantially the same employment conditions.

CLASS SPECIFICATION - The written description of a class, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the minimum qualifications requirements that are necessary for the satisfactory performance of the duties of the class.

CLASS TITLE- The title assigned to any particular class and used for reference to the class.

COMPENSATION - The salary or wages earned by any employee by reason of service in the position, but does not include allowance for expenses authorized and incurred as incidents to employment.

DEMOTION - The movement of an employee from a position in one class to a position in another class with a lower maximum pay rate.

DEPARTMENT HEAD - Any employee who by virtue of his/her work responsibilities is the primary administrative officer in his/her department, and who supervises one or more employee, as Indicated on the below list. The ~~Executive Secretary~~ Town Manager shall be responsible for annually updating the list of all Department Heads.

DEPARTMENT HEADS:

Animal Control Officer
Building Inspector
Collector/Treasurer
Council on Aging ~~g~~ Director
~~Director~~ Deputy Assessor
Fire Chief
Health -Agent
Superintendent of Highway ~~Streets~~
Library Director
Park & Recreation Superintendent
Police Chief
Sewer ~~_~~ Superintendent
Town Accountant
Town Clerk
Veteran's Agent

DISCHARGE OR DISMISSAL- The permanent, involuntary termination of a person from Town service.

DISCIPLINARY ACTION - An oral warning, written -reprimand, suspension, demotion, dismissal, or other punitive action, taken for cause by the appropriate authority.

EMPLOYEE -A person_occupying a position in the Classification Plan.

EXAMINATION -All of the tests -of fitness taken together that are applied to determine the fitness of applicants for positions of any class.

EXEMPT OFFICIALS - Elected -officials, Town Counsel, persons under the control of the School Committee, members of boards, commissions, and committees, and all employees whose wages, benefits and working conditions are governed by a collective bargaining agreement, or are exempted under state statute.

FULL TIME EMPLOYEE- An employee who is in an approved, full-time position in Town Service, which is funded for an entire year.

GRIEVANCE -A misunderstanding or disagreement between an employee and a supervisor that relates to working conditions and relationships, or to policies, rules and regulations contained in this by-law.

HOURLY EMPLOYEES - -Employees who are covered by the minimum wage and hour provisions of the Fair Labor Standards Act.

INCUMBENT - The current occupant of a position.

LAYOFF- The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

LEAVE - An authorized absence from regularly scheduled work hours which has been approved by proper authority.

PART-TIME EMPLOYEE- An employee whose normal work week is less than 35 hours, or whose average work week is less than 35 hours, and which is funded for an entire year.

PAY -PLAN - A schedule of compensation for all classes in the classification plan, including any successive pay rate steps established for each class. All positions allocated to one class will be paid according to the salary range established for that class.

PERFORMANCE BASED STEP INCREASE - An increase in pay from one step to the next higher step in the pay range for an employee who meets eligibility conditions set forth by the appointing authority within a format recommended by the ~~Personnel Board~~ Town Manager and approved by the ~~Personnel Board~~ Board of Selectmen.

PERSONNEL ACTION - Any and all activities affecting any aspect of an employee's status which includes appointments and changes in appointments, original hiring, re-employment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.

POSITION - A group of current duties and responsibilities assigned or delegated by appropriate authority to one person.

PROBATIONARY PERIOD - A working test period, following an appointment during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which appointed.

PROMOTION - The movement of an employee from a position of one class to a position of another class with a higher maximum pay rate.

REALLOCATION OR RECLASSIFICATION- The assignment of a position to a class different from the one to which it was previously assigned.

SALARIED EMPLOYEES - Employees who meet one of the definitions for exemption from the minimum wage and hour provisions of the Fair Labor Standards Act.

SUPERVISOR- Any employee, who, by virtue of his/her work responsibilities, exercises control over one or more other employee's job performance, work scheduling or related functions.

SUSPENSION - An involuntary absence without pay imposed on an employee for disciplinary action or pending final outcome of appeal.

TEMPORARY/SEASONAL APPOINTMENT - The appointment of an employee for a position not budgeted for a full fiscal year.

TEMPORARY/SEASONAL EMPLOYEE -An employee appointed to a position not budgeted for a full fiscal year, regardless of the number of hours worked per week.

TOWN AGENCY - A generic term meant to be applied to any department, board, committee, commission or any other body of Town government in which persons are employed.

TRANSFER -The movement of an employee from one position laterally to another position, of the same class or of another class having the same maximum pay rate involving the performance of similar duties and requiring essentially the same basic qualifications.

SECTION 4 CLASSIFICATION SYSTEM

4-1. PURPOSE- The purpose of the classification plan is to:

- a) establish desirable qualification standards for recruiting and examining purposes;
- b) provide a means of analyzing work distribution, area of responsibility, lines of authority and other relationships between positions;
- c) assist in determining budget requirements;
- d) provide a basis for developing standards of work performance;
- e) establish lines of promotion;
- f) indicate training needs;
- g) provide uniform titles for positions

4-2. DEFINITIONS

CLASS - A class shall be comprised of one or more positions that are so similar in the basic character of their duties and responsibilities that the same pay scale, title and minimum qualification requirements can be applied and the positions can fairly and equitably be treated under like conditions for all other personnel purposes. The same minimum qualification requirements shall be applied and the positions can fairly and equitably be treated under like conditions for all other personnel purposes. The same minimum qualification requirements shall be applied to all positions in a class regardless of the department in which the position is located.

CLASS SPECIFICATION - The class specification shall state the characteristic duties, responsibilities, and desirable qualifications requirements which distinguish a given class from other classes. The specification will be descriptive but not restrictive; that is, the class specification shall describe the more typical types of work which may be allocated to a given class but shall not be construed to restrict the assignment of other duties related to the class.

CLASSIFICATION PLAN - The classification plan comprises a schematic list of classes of positions supported by written specification setting forth the duties and responsibilities of each

class and the minimum qualifications necessary for appointment to a position of that class. Classes are allocated to classification levels in accordance with an approved job evaluation system.

4-3. ADMINISTRATION OF CLASSIFICATION PLAN —Each Classified position is allocated to a given class as determined by the Town Manager in consultation with the appropriate appointing authority. The Personnel Board is responsible for advising the Town Manager on the Classification of all positions, subject to the recommendation of the appropriate department head. ~~Each classified position is allocated to a class. The Personnel Board is responsible for the classification of all positions, subject to the recommendation of Executive Secretary or appointing authority, and approval of the Board of Selectmen.~~

a) JOB ANALYSIS - In establishing a new class of positions and in periodic classification reviews the Town Manager in consultation with the appropriate appointing authority shall ensure a job analysis is carried out to determine the essential elements of a class or job. The job analysis shall take on a variety of forms and may consist of a questionnaire, department head interviews, etc. ~~In establishing a new class of positions and in periodic classification reviews, the Executive Secretary shall ensure a job analysis is carried out to determine the essential elements of a class or job. The job analysis shall take on a variety of forms and may consist of a questionnaire; department head interviews; etc. Final approval of a new class shall be by the Personnel Board. If no action is taken by the Personnel Board within 30 days, the Executive Secretary or Appointing Authority shall seek approval of the Board of Selectmen.~~

b) JOB EVALUATION SYSTEM -In allocating classes of positions to appropriate classification levels, the Executive Secretary Town Manager or the appointing authority will utilize an objective job evaluation system to address the complexity and level of responsibility of each class of positions in allocating proper classification/grade levels for all classes covered in the classification plan. The Personnel Board shall meet with the appropriate department head/supervisor, Executive Secretary Town Manager, and/or appointing authority in determining a final classification.

c) CLASSIFICATION REVIEW - The Personnel Board shall annually review all classes of positions in Town Service to the end that all classes are reviewed on a three (3) year cycle. Incumbent employees, supervisors, Department Heads, and/or appointing authority may request, in writing, in any given year, that a specific class or classes be reviewed for applicability to current job conditions and situations and to the extent possible, the Personnel Board will assign priority to such requests. In conducting these reviews, the Personnel Board shall meet and consult with Department Heads, Supervisors, and/or appointing authority.

d) ACTION AS A RESULT OF CLASSIFICATION REVIEW - If, as a result of a general reclassification study, the Town Manager in consultation with the appropriate appointing authority determines that a position or class of positions has changed sufficiently, the Personnel Board shall consider the issue and provide its findings and recommendations to the Town Manager that the position or class be reclassified. ~~If, as a result of a general reclassification study, the Personnel Board determines that a position or class of positions has changed sufficiently, the Personnel Board shall recommend to the Board of~~

~~Selectmen that the position or class be re-classified, and personnel action initiated to reflect the change as soon as funding is available. If the Personnel Board finds that re-classification results in re-allocation to a lower level, an incumbent shall not lose current pay and benefits. This save pay provision shall not apply to any new appointee or replacement to said position or class. The Board of Selectmen may request that the Personnel Board review a position or class of positions from time to time outside of the regular process.~~

4-4. CERTIFICATION OF CLASSIFICATION CHANGE- No employee shall be paid under a change unless it is recommended by the Personnel Board and authorized by the Town Manager~~Board of Selectmen~~.

SECTION 5. COMPENSATION SYSTEM

5-1. PAY POLICY - The Town Manager shall fix the compensation of all town employees and officers appointed by the Town Manager in consultation with the appropriate appointing authority and within limits established by appointment and applicable compensation plan and collective bargaining agreements, and or Town Meeting. Provided further that no employee covered under the provisions of the Classification and Salary Plan shall be eligible for a separate individual employment contract.~~The Personnel Board shall be responsible for the development and maintenance of a uniform and equitable pay plan which shall consist, for each class of positions, of minimum and maximum rates of pay and such intermediate steps as are deemed necessary and equitable. The plan shall be approved by the Board of Selectmen before it becomes effective.~~

5-2. PAY ADMINISTRATION

a) APPOINTMENT RATES - An employee appointed to a position should normally be compensated at a minimum rate of pay assigned to the class to which the position is allocated. However, original employment at a salary above the minimum step may be made by the Town Manager~~Board of Selectmen~~ upon recommendation by the Personnel Board that such action is justified by exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum rate.

b) PAY PLAN ANNUAL INCREASE - The pay plan shall from time to time be increased by an inflationary factor, to be recommended by the Personnel Board with final approval by the Town Manager, subject to appropriation of Town Meeting.~~The pay plan shall from time to time be increased by an inflationary factor, to be recommended by the Personnel Board with final approval by the Board of Selectmen and subject to appropriation by Town Meeting. Such adjustment shall be made as part of the annual budget cycle.~~

c) MERIT PAY - (Merit Pay program is subject to appropriation). Merit pay requires the attainment of a sufficiently high score on an annual performance review (SEE ARTICLE 8 FOR PERFORMANCE EVALUATION.) The eligibility date for a merit bonus shall be on July 1st of each year, provided the employee has worked at least 3 full months prior to that date. An employee who reached the last step for a particular salary range, may not receive further merit pay unless the position is regraded. An employee on leave without pay

or on Workers Compensation shall not count such leave toward service for compensation purposes.

The following factors shall not affect eligibility for a merit pay increase:

1. overall pay adjustment resulting from the annual pay survey;
2. transfer within class or within range;
3. military leave without pay necessitated by a draft or reserve call up because of a declared emergency up to 90 calendar days;
4. a period of paid leave;
5. reclassification to a class of the same pay range or lower.

The denial of merit pay does not necessarily connote less than satisfactory service. To be eligible for a merit pay it is expected that an employee is performing at higher than average level. The formation of a Merit Pay system shall be developed by the ~~Personnel Board~~ Town Manager in consultation with the Appropriate Appointing Authority and reviewed by the ~~Board of Selectmen~~ Personnel Board.

d) **PROMOTION** - Upon promotion, the employee's salary shall be set at the rate of the higher classification which at least provides an increase equal to the next higher pay step in the employees previous classification level, except that the new salary shall not be more than the maximum rate of the higher classification level.

e) **TRANSFER** - When an employee is transferred laterally from a position in one class to a position in another class at the same pay rate, or is transferred with no change in class, (s)he shall continue to be paid at the same rate.

f) **REALLOCATION OF POSITION TO A CLASS IN LOWER PAY RANGE**- When a job evaluation indicates that a position is reallocated to a class in a lower pay range, the current pay of an incumbent is not changed, and said incumbent or incumbents will continue to 1) be eligible for increments up to the maximum of a lower pay range and 2) be eligible for any general pay increases which may be established for all positions in the group affected.

5-3. HOURS AT WORK

The following hours of work shall apply to employees in each category:

<u>Category</u>	<u>Hours Per Week</u>
1. Salaried Employee	
Dept. Head	40
All Other	35
2. Hourly Employee:	
a) Clerical	35
b) Others	40*
3. Part-Time	Subject to dept. head control

* Schedule is consistent with union employees supervised or that work in the same department.

It is recognized that the greater work responsibilities of salaried employees may cause them to frequently work greater than 40 hours per week. It is also recognized that salaried employees

may use compensatory time, and have some work schedule flexibility consistent with the management needs of the appointing authority.

It is also recognized that salaried employees with a 40 hour work week includes a one-hour paid lunch and short breaks to be taken at the discretion of the employee. The work week of the hourly clerical employees does not include a one-hour lunch break.

5-4. OVERTIME - With the exception of salaried employees, all other non-union employees shall receive overtime pay as follows:

a) Overtime shall be paid at time and one-half rate for all hours worked over 40 hours. For employees whose normal work week is 35 hours all hours worked between 35-40 shall be paid the normal hourly rate or the employee shall be granted compensatory time off if desired by the employee. An employee shall not be eligible for overtime pay or compensatory time off unless the work for which overtime is claimed is necessary and required to be performed at a time in excess of the regularly scheduled work week and is approved in advance by the appropriate authority.

b) Salaried employees are not eligible for overtime pay but are eligible for compensatory time off for hours worked in excess of normal work week hours, when so approved. Approval for all Department Heads shall be granted by the appointing authority, and for all others by the appropriate Department Head. In the event of a dispute the ~~Board of Selectmen~~ Town Manager shall have the final authority. (Salaried employees can be compensated for work for another department in a different capacity than their full time position, and, at such times that does not affect the work schedule of the department for which they are a salaried employee).

5-5. COMPENSATION • GENERAL • For the purposes of this By-Law, actual hours worked shall include all time an employee is required to be on duty. It is the intent of this By-Law that the supervisor bear the responsibility for notifying the employee of any limitation when work hours exceed normal work hours.

SECTION 6 RECRUITMENT, SELECTION, AND APPOINTMENT OF EMPLOYEES

6-1. POLICY- To assure a high quality of service to the public, selection will be from among the most competent applicants. Selection and appointment to all positions will be based solely upon job-related requirements and the applicant's demonstration that (s)he possesses the skills, knowledge, abilities and other characteristics necessary for successful job performance.

6-2. RECRUITMENT PROCEDURES:

a) DEFINING THE JOB - When a vacancy occurs, the appointing authority will review the functions, duties, responsibilities, and minimum qualifications of the position to ascertain whether the job description is still accurate or the job needs to be redefined. If it is determined that a new job description is necessary or that changes to the existing job description are required, the appointing authority will be responsible for preparing the new/amended job description and for submittal to the ~~Personnel Board~~ Town Manager with ~~for approval by the~~ Personnel Board.

b) ADVERTISING THE VACANCY- The Town Manager and appropriate appointing authority shall be responsible for advising the public of a vacancy. The vacancy shall be published in such a manner as to assure that all interested and qualified individuals, including current employees are informed of the position, title, duties, responsibilities and salary range; minimum and special qualifications for the position, the time, place and manner of making application; and any other information which may be useful to applicants. All advertisements shall comply with applicable affirmative action and equal employment opportunity laws. The advertisement of positions shall at a minimum be placed on the Town of Abington Official web site, the Town Bulletin Board, the Massachusetts Municipal Association web site, and any other forms of public media notification that is usual and customary.~~The Executive Secretary or designee will be responsible for advising the public of the vacancy. The vacancy will be publicized in such manner as to assure that all interested and qualified individuals, including current employees are informed of the position title, duties, responsibilities and salary range; minimum and special qualifications for the job; the time, place and manner of making application, and any other information which may be useful to applicants. All advertisements shall comply with MCAD affirmative action requirements.~~

6-3. SELECTION PROCEDURES

a) DETERMINING EXAMINATION DEVICES - ~~The Town Manager Executive Secretary~~ and appointing authority shall determine which examining device or combination of devices will be used to evaluate the relative fitness of each candidate for the position.

1) The devices selected shall relate to the duties and responsibilities of the position and shall fairly appraise and determine the merit, fitness, ability and qualifications of the applicants.

2)~~A variety of devices may be employed, including but not limited to: Assessment or training, education and work experience; written, oral and performance tests; structured interview; and reference checks. Each device utilized will be administered to insure equity and fairness. Deliberate false or misleading statements in the application and selection process will automatically disqualify a candidate from further consideration and shall be grounds for dismissal if the candidate should be hired.~~
~~A variety of devices may be employed, including but not limited to: assessment or training, education and work experience; written, oral and performance tests; structured interview; and reference checks. Each device utilized will be administered to insure equity and fairness. Deliberate false or misleading statements in the application and selection process shall be grounds for rejection of a candidate and grounds for dismissal if the candidate should be hired.~~

b) INTERVIEW AND SELECTION • The appointing authority will have full discretion to determine which applicants will be interviewed and selected for the vacant position.

c) DOCUMENTING THE SELECTION PROCESS- A record of the recruiting, examining, and appointing procedures used will be retained after the vacancy is filled. This record will include: the job description; vacancy announcements; the applications of all who applied or their names and addresses; and the reasons for selection of a candidate.

d) MCAD REPORTING - The Town Manager~~Executive Secretary~~ shall be responsible for all MCAD reporting.

6-4. PRE-EMPLOYMENT PHYSICAL EXAMINATION- Once an applicant has been selected for hire, a pre-employment physical examination shall be required for all permanent employees prior to appointment to determine if the employee can perform the essential functions of the position with reasonable accommodation, if required. A qualified physician, selected by ~~the~~ Town Manager~~Board of Selectmen~~, shall make his/her report. Any such examination shall be at the expense of the Town and shall be reviewed by the appointing authority prior to final appointment. A psychological examination may also be required.

SECTION 7 TRAINING AND EDUCATION

7-1. POLICY - It is the joint responsibility of the supervisors, Department Heads, Town Manager~~Executive Secretary~~, and Board of Selectmen to foster and promote employee training and education programs for the purpose of improving the quality of service rendered to citizens and aiding employees to equip themselves for advancement in Town Service.

7-2. EDUCATIONAL INCENTIVE PROGRAM - Full-time employees shall be entitled to participate in an educational incentive program. Any employee may request reimbursement for a course at an accredited school provided the course is job related, approved in advance in writing by the Department Head and Town Manager~~Executive Secretary~~, and evidence of a passing grade is submitted to the Department Head and ~~Executive Secretary~~ Town Manager upon course completion. The incentive program is subject to availability of funds.

7-3. TRAINING FOR CERTIFICATION OR LICENSE - Where a full-time employee is required to attend a course or to receive instruction in order to maintain a license or registration which is an integral part of the job description and which is a requirement for the continuation of employment in that position, the Town shall reimburse the employee for successful completion of the course of instruction, with the exception of a Class III Driver's License.

7-4. OTHER TRAINING - Department Heads and supervisors may perceive other training needs, and are obligated to discuss same with the Town Manager~~Executive Secretary~~ as a prelude to securing approval of such other training.

SECTION 8 PERFORMANCE EVALUATION

8-1. PURPOSE - The Town recognizes the need for a performance evaluation system to:

- 1) assess fairly and accurately an employee's strengths, weaknesses and potential for growth;
- 2) encourage and guide the employee's development of his/her special skills and work interests;
- 3) assure the granting of increases and consideration for more complex work based on merit;
- 4) provide a method of improving operational programs through employee input; and
- 5) identify training needs.

8-2. PROCEDURE —~~The Town Manager, with the advice of the Personnel Board, shall be responsible for the establishment and maintenance of the employee performance evaluation system. The Personnel Board and the Executive Secretary shall be responsible for the establishment and maintenance of the employee performance evaluation system.~~ Employee evaluation is the continuing day to day responsibility of the supervisor. Annually and prior to effecting a merit increase, the supervisor will make a written:

- a) Six-month Informal Review - In approximately the sixth month following date of hire each employee's immediate supervisor will conduct an informal review of the employee's work performance.
- b) Annual Evaluation- In approximately the eleventh month of each fiscal year, each employee's supervisor shall conduct a formal, written evaluation of the employee's work performance for the entire fiscal year. The annual evaluation shall include a review of the employee's annual goals and objectives and the extent to which those have been completed as well as other job related factors. The evaluation will also include plans to correct deficient areas and the development of a new set of goals and objectives. This evaluation shall form the basis of any employee merit increase approved.
- c) Goals and Objectives - As part of the employee performance evaluation system, the ~~Town Manager~~~~Executive Secretary~~, Department Head/Supervisor, and/or appointing authority are responsible for devising a procedure for the establishment of annual goals and

objectives for each employee. Budgets are prepared which will provide the necessary resources to accomplish all goals and objectives.

Following Town Meeting action on budgets, each Department Head's goals and objectives are reviewed by the ~~Town Manager~~~~Executive Secretary~~, Department Heads/Supervisor, and/or appointing authority and modified as required by budget approvals/disapprovals.

- d) Coverage and Procedures- The Coverage and procedures for the implementation of the merit increase system, goals and objectives establishment, and annual employee evaluations are set forth in a format recommended by the Personnel Board and ~~Executive Secretary~~Town Manager.

The town's personnel evaluation system is not dependent upon funding of the town's merit pay program.

SECTION 9 DISCIPLINARY ACTIONS

9-1 DISCIPLINE —~~It~~ is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the Town government.

- a) DEPARTMENT HEAD RESPONSIBILITIES • Department Heads are responsible for the proper and efficient operation of their department and for enforcing all policies and regulations. Supervisors are authorized to apply, with the approval of the Department Head, such disciplinary measures as may be necessary, in accordance with Section 9-2 of this Article.

- b) REASONS FOR DISCIPLINARY ACTION • Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the town from

effectively and efficiently discharging its responsibilities to the public. The following shall constitute cause for disciplinary action:

- 1) Neglect in the performance of the duties of the position to which the employee is assigned.
- 2) Disregard for or frequent violations of Town and departmental policies and regulations.
- 3) Willful misuse, misappropriation, negligence, destruction to Town property or conversion of Town property to personal use or gain.
- 4) Frequent non-excused tardiness or absence from duty without approval.
- 5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or similar acts of insubordination.
- 6) Intoxication or use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty; or, reporting to work under the influence of any of these intoxicating beverages or substances.
- 7) Criminal, dishonest, or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the Town service.
- 8) Disregard for or frequent violations of Town Charter, By-Laws, Laws of the Commonwealth, or Federal Laws.
- 9) Any other acts of misfeasance, malfeasance or nonfeasance in a manner such as to bring discredit on the employee or the town.

9-2 DISCIPLINARY ACTIONS

a) IMMEDIATE ACTION- Any supervisor has the authority to send an employee home, with pay, at any time, if, in the supervisor's opinion, sufficient cause for such action exists. In that event, the supervisor shall provide the Department Head and ~~Executive Secretary~~ Town Manager and/or the appointing authority with a written recommendation regarding the appropriate disciplinary action to be taken. If the Department Head is the supervisor a written recommendation shall be made to the ~~Executive Secretary~~ Town Manager and appointing authority.

b) ORAL REPRIMAND • Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the supervisor should ensure that the employee's personnel file is documented to show the date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his/her personnel folder. The documentation of the reprimand and comments in the employee's file will be purged at the end of 24 months if no other disciplinary incident occurs.

c) WRITTEN REPRIMAND -A written reprimand may be given by a Department Head within ten (10) working days of notice of the behavior giving rise to the reprimand.

A written reprimand shall be addressed to the employee and will include the specific behavior and the dates of the behavior, the warning that continuance of this behavior will result in more severe disciplinary action; any circumstances affecting the severity of the discipline; and advice on rights of appeal. A copy of the reprimand shall be signed by the employee and be included in

the employee's personnel file. The employee will have five (5) working days from the date of signing the reprimand to submit written comments for his/her personnel file. Both documents shall be purged from the personnel file at the end of 24 months if no other disciplinary action of any type has occurred in that time.

d) **SUSPENSIONS AND REMOVALS** - An employee may be suspended or removed from his/her position by the appointing authority in accordance with article ~~7-157-10~~ of the Town Charter.

e) **SUPERVISOR DEFINED** - For purposes of this section, "supervisor" is meant to be the ~~Executive Secretary~~ Town Manager, Department Head, appointing authority or any individual exercising supervisory responsibilities within his/her job description but working under the supervision of the ~~Executive Secretary~~ Town Manager, Department Head, or appropriate appointing authority.

9-3 APPEALS -~~The provisions of Article 7-15 of the Town Charter shall be applicable in any appeals. Any employee aggrieved by any disciplinary action may appeal said action, in writing, within five (5) working days of receiving notice thereof, to the Department Head. The Department Head shall investigate said appeal and render a written decision within five (5) working days of having received the appeal. If the employee is not satisfied with the Department Head's decision, (s)he may appeal, in writing, within five (5) working days of receipt thereof to the appointing authority, who shall render a Written decision within ten (10) working days of receipt of the appeal. If the employee is not satisfied with the appointing authority's decision, (s)he may appeal, in writing, within five (5) working days of receipt of the decision to the Board of Selectmen. The Board of Selectmen and two members of the Personnel Board designated by the Personnel Board shall render a decision to uphold the action taken, cancel the action taken, or provide for lesser discipline than that imposed, within fifteen (15) working days of receipt, after having conducted a hearing. Said decision shall be considered final. Failure of the employee to appeal within the time period allotted will constitute a waiver of any further appeal. Failure of the Department Head or appointing authority to respond during the allotted time shall be considered a denial of the grievance, unless said appointing authority is the Board of Selectmen, who shall in conjunction with two Personnel Board members, conduct a hearing and render a decision as provided within this section.~~

10-1. GENERAL POLICY - Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with this By-Law on the basis of the work requirements of the departments and, whenever possible, the personal wishes of the employee. All leave will be reported each week on standard form and in compliance with reporting policy established by the ~~Executive Secretary~~ Town Manager.

10-2. PROCEDURE FOR REQUESTING LEAVE • For all leave other than holiday or sick leave, a written request indicating the kind of leave, duration and dates of departure and return must be submitted and approved by the Department Head or Appointing Authority prior to taking of leave. In the case of disability, injury and emergency leave, a request shall be submitted. Unless an absence is substantiated by a request approved by the Department Head, an employee shall not be paid for any absence from scheduled work hours, and shall be subject to disciplinary action. In the case of a Department Head requesting leave such request

shall be made to the appointing authority, Lack of any response from the appointing authority shall indicate approval.

10-3. HOLIDAY LEAVE -The following days shall be recognized as holidays and such other days as may be declared holidays for the conduct of public business by the State or Federal government:

New Year's Day	Memorial Day	Veteran's Day
Martin Luther King Day	Independence Day	Labor Day
Thanksgiving Day	President's Day	Christmas Day
Patriot's Day	Columbus Day	
1/2 Day before Thanksgiving		

a) SATURDAY AND SUNDAY HOLIDAYS - Whenever any of the above named holidays falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be a holiday, unless another day is established by law.

b) WORK ON HOLIDAYS- On the designated holidays, employees not otherwise covered by a labor agreement shall be excused from all duty not required to maintain essential services. Employees who perform work shall be paid or be eligible for compensatory time off at the rate of time and one-half. It is understood that the Fire Chief, Police Chief, and Deputy Police Chief routinely work all holidays, and therefore will receive one day's pay in addition to their regular pay for all holidays in section 10-3 above: Part-time employees shall receive holiday pay only if they are regularly scheduled to work on the day of the week on which a holiday is celebrated.

c) HOLIDAY DURING VACATION -If a designated holiday occurs while an employee is on vacation leave, no charge for the holiday will be made against vacation leave.

10-4. VACATION LEAVE

a) AWARD BASIS - Full time employees, other than temporary or seasonal employees, are entitled to vacation each year of their employment on the following basis, calculated as of the anniversary date of full-time employment and prorated to run consistent with the fiscal year:

30 Weeks up to Five years:	10 days/year
Five to Ten years:	15 days/year
Eleven to Eighteen years:	20 days/year
More than Eighteen years:	25 days/year

b) CARRY-OVER -Vacation accrued in one fiscal year may be carried over to a subsequent fiscal year up to fifteen days with the written approval of the appointing authority or Department Head and notification to the ~~Executive Secretary~~ Town Manager. Any other vacation time not used will be forfeited.

c) BUY-BACK AT SEPARATION -The Town will buy-back all accrued vacation at time of employee separation from Town service, for any cause. Vacation time will be bought-back at the employee's then current rate of pay.

d) VACATION SCHEDULING- Vacation of more than 3 days will be requested in writing at least one month prior to usage. In the case of unforeseen circumstances vacation can be approved with less notification. Department Heads will be responsible for approving all requests for employees in their departments. All vacation scheduled by a Department Head

of more than three days must be submitted In writing to the appointing authority one month in advance. To the extent possible, Department Heads shall schedule and approve vacation at such times during the year as will best serve the public interest. Department Heads will get the approval of the appointing authority for their vacation schedule. Failure to act on a request for vacation shall be equivalent to approval.

e) PART-TIME EMPLOYEES - Permanent part-time employees shall accrue vacation at the same rates as above, but prorated in the same ratio as their average weekly hours in comparison to 35. Temporary and seasonal employees shall not accrue vacation.

10-5. NON-OCCUPATIONAL SICK-LEAVE

A. PURPOSE - Sick leave shall not be considered as a privilege which an employee may use at the employee's discretion, but shall be allowed only in case of actual sickness or disability of the employee, serious illness in the immediate family, to meet dental appointments, to take physical examinations, or for any other sickness prevention measures. Sick leave may be taken by any eligible employee unable to work due to pregnancy and conditions relating thereto, childbirth and recovery therefrom.

B. ELIGIBILITY - Sick leave shall be available to all permanent full-time and permanent part-time employees. Seasonal, temporary, provisional and emergency employees are not eligible for sick leave. After one year's full time employment, employees will be eligible for up to 12 weeks unpaid leave under the Federal Family and Medical Leave Act (FMLA).

C. USE AND AMOUNT - An employee absent on account of illness or injury shall see to it that his/her supervisor is notified as soon as possible. Failure to notify the supervisor may result in absence without pay or other disciplinary action.

D. CERTIFICATION OF ILLNESS - A request for authorization of sick leave must be completed on the day of return to work. For sick leave in excess of 3 work days, or if the Department Head suspects that the employee may be abusing sick leave, the Department Head may require a certificate from a physician stating that such illness prevented the employee from working.

E. SICK LEAVE ALLOWANCE- A full-time employee shall accrue one and one-quarter (1 1/4) days per month of sick leave. Each employee's sick leave account shall be credited on the last day of each complete month of service. Sick leave may be carried-over to subsequent fiscal years without limit. Part-time employees shall accrue sick leave in the same ratio as their average weekly hours in comparison to the category of work performed as defined in Section 5-4: Hours of Work. Sick leave can be accrued up to a maximum of 120 days. Temporary and seasonal employees shall not accrue sick leave.

F. REPORTING - Each Department Head shall file, on forms provided for such purpose, information regarding the accrual and taking of any and all leave, and shall remit same to the office of the ~~Executive Secretary~~ Town Manager.

G. SEPARATION FROM TOWN SERVICE - Upon retirement or death an employee, or his heirs, is eligible to receive sick-leave buy-back pay, at the rate at the time of separation, equal to 25% of all accrued sick leave credited to an employee's account, up to a maximum of one-hundred and twenty days (120).

10-6. OCCUPATIONAL SICK LEAVE - An employee injured on the job must report the fact immediately to his supervisor. Injury leave, as distinguished from sick leave, shall mean paid leave given to an employee due to absence from duty caused by an accident, injury or occupational disease, that occurred while the employee was engaged in the performance of his/her duties.

1. Most employees are covered by Worker's Compensation under State Statute, and are entitled to benefits under such statute.

2. Any employee on occupational sick leave shall not work at any other job during the period of incapacitation. Violation shall result in discontinuance of any Town benefit and may result in dismissal.

3. During periods of incapacity, employees shall be subject to periodic medical examinations as a condition of continued pay, as directed by the ~~Executive Secretary~~ Town Manager. The purpose of these examinations is to secure periodic medical evaluations of the particular employee.

10-7. **BEREAVEMENT LEAVE**- The purpose of bereavement leave is to enable an employee to take care of personal arrangements and problems caused by the death of a member of his/her immediate family and to relieve him/her of the concern over loss of earnings over four (4) regularly scheduled work days commencing with the date of death.

For the purpose of this section, the term "immediate family" shall mean and include the following: spouse, children, father, mother, foster parents, sister, brother, father-in-law, mother-in-law, grandparents, grandchildren and any relative living with the employee who is a member of the household.

Employees who suffer the death of those related as brother-in-law, sister-in-law, aunts, uncles, and first cousins shall be allowed a one (1) day leave of absence for attendance at funeral or family gathering.

10-8. **MILITARY LEAVE**

1. It is the employees responsibility to notify his/her Department Head or the appointing authority of the dates he/she is leaving for military service and to provide written proof from military or selective service officials to the Department Head indicating date of departure and length of service required. A copy of such proof will be filed by the ~~Executive Secretary~~ Town Manager.

2.. Any employee in the military reserve or National Guard shall be paid the difference between total compensation received while on Reserve or Guard duty and regular compensation rates paid the employee by the department not to exceed fifteen (15) work-days in a given twelve month period.

10-9. **JURY LEAVE**

1. Any employee summoned to jury duty will be excused from his or her work for the period necessary to perform jury duty. Each employee shall be paid regular wages for the first three days, or part thereof, of jury service.

2. Any-employee shall receive his/her regular pay for the entire period of jury duty, less any compensation paid by the Court for the term of such service.

10-10. **COURT TIME**- Any employee required to testify in court pursuant to the duties of his/her job, shall receive full compensation for all hours actually worked in this capacity. Any employee who is required to attend proceedings in court as a defendant, or as a witness, other than as part of their regular employment with the Town, shall do so in an unpaid status. A request for leave without pay shall first be made in accordance with Section ~~10-13-2~~ 2 of this By- Law. An employee may also use personal and vacation leave for this purpose.

10-11. MATERNITY LEAVE- Every female shall be entitled to maternity leave as provided for in MGL, Chapter 149, Section 105D. There shall be no provision for payment of salary during this period of time other than compliance with applicable Federal and State laws. No sick leave or vacation leave shall accrue during Maternity Leave.

10-12. PATERNITY LEAVE- Paternity leave shall be in accordance with applicable Federal and State Laws. No sick leave or vacation leave shall accrue during Paternity Leave.

11-1. MILEAGE REIMBURSEMENT

The mileage reimbursement rate for employees who are required to use their personal vehicle for town business shall be 85% of the Internal Revenue Service allowed deduction.

11-2. TRANSITIONAL PROVISION

Any employment agreements that currently exist with any non-exempt officials that include benefits in excess of those allowed through this by-law shall be deemed to supersede this by-law. However, those benefits cannot be expanded or increased. New employees hired to succeed an employee who was eligible for benefits in excess of this by-law are only eligible for those benefits explicitly set-out in this by-law. —

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